



Attorney's Brief No.: 05110-019001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Stephen G. Rybicki

Art Unit : 2171

Serial No. : 09/205,020

Examiner : T. Do

Filed : December 4, 1998

Title : SYNCHRONIZATION OF DATABASES

**RECEIVED**

Commissioner for Patents  
Washington, D.C. 20231

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Technology Center 2100

RESPONSE

This is responsive to the office action mailed November 8, 2000.

The examiner has indicated that claims 14, 17-19 would be allowable if rewritten in independent form. As applicant believes that the remaining claims are allowable over the art of record, these claims have not been rewritten in independent form.

The examiner has rejected the independent claims (1-2) under 35 U.S.C. as being unpatentable in view of Scott U.S. Patent No. 5,649,195 ("Scott") combined with Carr U.S. Patent No. 5,740,433 ("Carr"). The examiner is urged to reconsider and withdraw the rejection, for neither Scott nor Carr, alone or in combination, disclose any of the important features of the claims 1-2.

Claims 1-2 are directed to a notification protocol that can reduce message traffic during synchronization between two computers. More specifically, a first computer sends a notification of a choice of synchronization mode along with at least one operation under the chosen mode, all before the second computer responds with a confirmation message accepting the proposed mode. By sending an operation under the proposed mode, rather than waiting for acceptance of the mode, message traffic is reduced.

Scott merely teaches synchronization of two databases in which a first database initiates a conversation with a second database requesting all updates and changes since the last

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MAY 8, 2001

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conversation. The reference is, at best, merely background to the invention. There is no mention of the first database selecting a synchronization mode, nor any mention of the first database sending notification of a selected mode along with an operation under the chosen mode, nor any mention of that transmission of an operation under the chosen mode being made before the second database responds accepting the proposed mode.

Carr provides none of the disclosure missing in Scott. Carr teaches synchronization between first and second databases (an "extractor process" sends a "message buffer of audit information" to a "receiver process"). In order to make the synchronization fail-safe, in the event of a crash of either the receiver or extractor process, both the extractor process and the receiver process frequently perform what are called "checkpoint" operations in which the process backups information that would be used to restart the process in the event of a failure. The receiver process performs the checkpoint operation immediately upon receipt of the message buffer from the extractor process, before it sends an acknowledgement to the extractor process that it has received the message buffer (4:19-25; 4:48-55). It is this procedure of doing a checkpoint operation before sending an acknowledgement that the examiner relies on in his rejection. But this aspect of Carr has no bearing whatsoever on the invention of claims 1-2.

Carr teaches nothing about one database selecting a synchronization mode. In both Carr and Scott, there is only one synchronization mode.

Carr teaches nothing about the first database sending notification of a selected synchronization mode along with an operation under the chosen mode. Operations are sent by Carr (the "message buffer of audit information"), but they are not accompanied by notification of a selected synchronization mode.

Carr teach nothing about the first database sending the notification and at least one operation before the second database responds with a confirmation message accepting the proposed synchronization mode. The second database ("receiver process") never sends any message accepting a proposed synchronization mode, as it never receives a proposed synchronization mode. The second database does acknowledge receipt of data, and it does that after doing a checkpoint operation, but such an acknowledgement is not an acceptance of a proposed synchronization mode, but merely the typical acknowledgement of receipt of data. And the fact that a checkpoint operation is done before an acknowledge is sent has absolutely

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nothing to do with any feature of claims 1-2. Finally, in claims 1-2, it is a step (sending an operation) performed at the transmitting computer (the "first computer") that is done before a message is received back from the receiving computer (the "second computer"). The two steps that the examiner refers to in Carr (doing a checkpoint operation before sending an acknowledgement) are both performed on the receiving computer.

Accordingly, it could not be clearer that claims 1-2 are patentable over Scott and Carr

The remaining claims are all properly dependent on claim 1 or 2, and are thus allowable therewith. Each adds one or more additional limitations enhancing patentability, but these limitations are not relied upon at the present time.

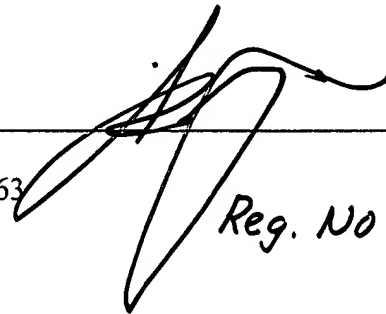
Accordingly, all claims are in condition for allowance.

Enclosed is a \$890 check for the Petition for Extension of Time fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 8 MAY 2001

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